"The people when they try can raze everything to the ground. They may un-make or remake their Constitution. They may, if they like, abolish their courts and Legislatures and take the reins of government directly in their own hands.

"This means revolution, but are there no precedents for revolution? "Is there any prophet abroad in these

days who can say how far the people would go in the'r present temper? Would the majority vote to limit private fortunes?

"Would they vote to redistribute private estates which were large enough to tempt their cupidity? "Would they curtail the power of the

"Are not these changes in line with the

direct tendencies of the latest policies and agitation? Am I wrong when I say that the Constitution seems less regarded as a guide and shield and more in the nature of a hindrance?

"Am I wrong when I say that the con-

duct and teachings of the most powerful influence in the country are expressive of impatience and contempt for this ancient safeguard?

"Where is the end and what will it be?

in a time of such success and plenty as has never seen its example in all the ages of the world the spirit of unrest now stalks abroad, and is any man so dense he does not know unrest to be the seed of revolution? "It no longer haunts the alleys or speaks in whispers, but it holds the centres of the crowded thoroughfares. It has not hunger to invite nor wrong to inflame it. It revels in comforts which are hardly less than luxurious. All those blessings which are thought to bring peace and contentment are at hand. Yet never before, in our coun-try at least, was there a plainer drift to make idleness a profitable employment, discontent a badge of distinction and dema-

gogy a sign of light. "The public is headed down the road and the new type of public official strives only to place himself at the head of the

"His cry is not justice but popularity, t fair play but power. He acts not to not fair play but power. He acts not to command respect but to draw the crowd. There is only one test of right and wrong for him, viz.: What does the majority want?

"The teacher to be strong great to an action and the can be cheered to-day.

"And how grievously that man errs who believes all applause synonymous with popularity. Applause may come from fear as well as love. The knee berids just the same to gain a favor as to show respect.

"The teacher to be strong great arrives."

respect and popularity, but the enter-tainer needs only to be peculiar.

"But what is the reason, or, if there is no reason, what is the excuse for the wild and undigested proposals now fluttering from so many lines?

"We have read that the President of the

have read that the President of the United States is in favor of a law making employers liable for injuries to their employees, no matter how the injury reployees, no matter how the injury re-sults. That proposal arouses greater wonsults. That proposal arouses greater der than respect. It could serve only to open a new field to the indolent and to open a new field to the indolent and victions. It would mean that any servant victions. It would mean that any servant victions. might submit to such injury as he chose, its extent and character being always within his own control, and the employer, without fault or knowledge, should make compensation to his faithless employee.

We have read with astonishment and

dismay the criticisms from the same high source of the conduct of the courts. Was reant to their high duties? Had they failed to perform the vital functions they were created to perform? Not in one instance. They have hewed to the line with that integrity and learning which has char-acterized the American courts from the

birth of the republic.

"Why is the clamor so persistent for the enactment of new laws and the bestowal of more power? Have the old laws proved ineffective? One single illustratio

"In the month of July, 1890, the so-called Sherman anti-trust law was enacted. It stands on the books to-day, and the most substantial checks administered to the trusts have been applied under its provi-sions. The Northern Securities case, the Joint Traffic Association cases, the action st the beef trust, all under the Sher

What occasions the demand for more laws and greater power? Is it to obscure the fact that ample power now exists and has for years existed to bring about the

reformations sought?
"The Sherman law is a criminal statute. It provides that persons committing the acts therein enumerated 'shall be deemed guilty of a misnemeanor and on conviction thereof shall be punished by fine or improved the state of the s prisonment or both, in the discretion of the

it is t e unifo m experience of man-"It is the uniform experience of mankind that the most effective check to violators of the law is imprisonment. This springs from the universal abhorrence of penal servitude. Men will offend again and again when their offence can be discharged with money. This is especially true when the commission of the offence results in enormous gain. Law-breakers lose neither caste nor power by the payment of a fine. It might almost be said their power is increased by demon strating their ability to defy the law by flinging in its face the price exacted for its violation. The Government might as well say to 'malefactors of great wealth' 'Go on as far and as often as you like, but now and then you must turn over to the public treasury a portion of your dishonest profits. If the purpose is sincere to en-force the law and to punish those who break it why has the only effective and obvious means provided never been employed?

"Will 'successful dishonesty' which treat

"Will successful dishonesty which treats with such disdain the imposition of a fine be equally indifferent when headed for the jail? Every impulse of human nature denies it. No one knows this better than those now rending the air with threats against the so-called 'criminal rich.' Yet up to this time not a single move has beer made by the all powerful machinery of the Government to imprison a single rich offender. The latest utterance of the Gov

"Could such a course be explained or justified by continuous threats against rich malefactors'?

"If the law is plain and ample and yet no malefactor is disturbed is there any way to account for this rank neglect except by the insincerity of those who make the threats?

The cry is always against the criminal, but punishment has fallen in every case thus far upon the head of the innocent. The assault has been in every case thus far not upon the faithless officer, but upon

the anfering corporation.

"And who is the corporation? One answer alone is possible. The corporation is the stockholder who has been himself betrayed. He is the lawyer who has invested in good faith the money earned at his desk. He is the merchant who invested without fault the money earned in legitimate trade. He is the clergyman who has saved a little from his not too who has saved a little from his not too liberal pay; he is the farmer, the laborer and the wage earner of every sort who, relying upon the efficacy of the laws and the integrity of public officials sworn to enforce them, has invested his small savings in corporate stock. And up to this hour the innocent classes I have named have

the innocent classes I have named have been the only ones to suffer.

"Values have shrunk from dollars to halves and quarters and often vanished altogether. And some day, perhaps tomorrow, those shrivelled values of the innocent investor will pass on to his widow and his children. Will their lot then be thered by the endless chain of threats now circling round the White House against the wealthy malefactor' who still unvisible wells, the streets and plies his the wealthy malefactor' who still un-punished walks the streets and plies his

"I maintain the guilty should be punished and the innocent protected. If this course should be adopted public confidence would be restored before the spring sets in.

"Integrity in public office has been the rule in the United States and not the exA CONCERN was paying \$7.50 a thousand for a 12 pp.-booklet in one color.

booklet in 2 colors for \$5.50 a thousand. Write or Telephone for a representa-tive. Better still-Call.

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The CHELTENHAM Press 150 Fifth Ave., S. W. cor. 20th St. Tel. 4400 Chelse

ception. Why has it become necessary in late years to sing the constant song of

"What is the need for a public official to begin each day with a builetin to the public that he still continues honest? These habits which I describe and condemn have had a most unsalutary influence on the public mind.

public mind.

"There have been in past ages and will be in all others men who neither respect nor obey the laws. That is expected, but such cases have been confined with few exceptions to the ranks of the unofficial class. But when there exists in the most confined actions a discounter of the control of t class. But when there exists in the most exaited stations a disregard for prescribed limitations, a contempt for salutary constitutional restraints, a purpose to embitter the public mind by talse hopes or imaginary wrongs, the effect of such examples must inevitably be to lower in the general mind the structured of public duty.

"While I feel sometimes disheartened by the tendencies that so plainly now prevail, yet I believe that we shall learn that public opinion is not synonymous with hysteria, and that no opinion, either public or pri-vate, is of value unless founded on knowl-

edge and deliberation.
"I have every faith that the people at the core are sound and right; and, gentlemen of the New Hampshire bar, let me utter this word of warning as I close: Trust without limit the people's intelligence and honor, though not forgetting their prone-ness to be excited and misled, but keep your eye fixed on him who in all ages has been their seducer and their enemy, the man exhorting the crowd from the head of

SHE IS "THE COBDEN" NOW And She Thinks Some American Women

Hopeless From High Living. She is no longer merely Mrs. Cobden-

Sanderson, "leader of the English Suffragettes, a Martyr to the Great Cause of Mrs. Harriet Stanton Blatch, who introduced her last night to about 4,000 persons at Cooper Union, said: "With a full knowledge of what her great father did for England, I must still call her 'The Cobden." And the house shook with

"I feel unworthy to be called a leader," said the Cobden. "I have been pushed on by others, and it is so easy to go with the tide. This is a glorious meeting, and now I won't be able to go home and say that I have seen only idle middle class

"Even if I am deported, in accordance with some of the newspaper stories I have seen, I shall feel now that my visit has not been in vain. I was called up in the middle of the night by a reporter who wanted to know whether I was really going to be sent out of the country and at first I though: I was in Russia. Then I remembered that I was a woman. John Burns and Mr. Stead, who had been in prison, could come over here and receive a royal welcome, but a woman is another matter:
"Some of your women—the parasites at
the top—don't want the ballot. They are

sunk in the degradation of luxury, and the should be ashamed— "The speaker's next sunk in the degradation of tuxtry, and the should be ashamed—" The speaker's next words were drowned by a sustained out burst of cheers and other forms of applause. "Not in any country in the world," she resumed, "are women leading such idle, luxurious lives as in your great cities. The only way to save them from this is to make

and the State are closely related.

After making a few pleasant that the Socialists present could interpret as sympathetic if they so desired The Cobden sat down. Persons rose to depart, whereupon Mrs. Blatch cried "Stop!" Mrs. Blatch said that help meant money, and more persons attempted to escape. "It is true," Mrs. Blatch said, "that our

them understand that the home, the city

officials were appealed to on the subject of Mrs. Sanderson's entering the port and they refused—ushers, collect. I tell you it was for no other reason on God's earth—ushers, collect—than that she is a woman.

Do not Irisamen and Russians who have

Do not Irisamen and Russians who have been political prisoners come in? Ushers, collect! Why? Because they have the votes. Ushers, are you through?"

A resolution that the time had come in New York State for the enfranchisement of women was adopted by a four-fifth majority of those present. The minority, however, were strenuous and two menhad to be arrested. At the police station they gave the names of Smith and Brown.

William Ivins, who had promised to be the chairman of the meeting, was absent on account of illness. His place was taken by Mrs. Elizabeth Smith Miller, daughter of Gerritt Smith. Mrs. Sanderson will speak to-morrow

vening at Memorial Hall in Brooklyn

Granny Williams Dead at 120. El Paso, Tex., Dec. 12.-Granny Bender Williams, a negress, is dead at Chappell Hill aged 120. She is survived by two sons, aged 93 and 82 respectively. The latter is the baby of the family.



FUNSTON WILL KEEP ORDER

PROMISES MARTIAL LAW FOR GOLDFIELD IF NEEDED.

Says He Is Fully Informed as to the Danger of the Situation, and Will Act Vigor-ously—One Mine Opened With Non-

GOLDFIELD, Nev., Dec. 12.- Gen Frederick Funston, who arrived at noon to-day says he will take charge of affairs and declare martial law at the first outbreak of

Gov. Sparks told the General that martial law is not necessary now, but that the arrival of the troops had averted serious trouble and the declaration might become

ecessary at any time. Gen. Funston since leaving San Francisco has been in conference with repreentatives of the Governor, the city and county authorities, the mine owners and officers of the miners' union, all of whom went West to meet him en route, when advised that he had left San Francisco. The General said to-day that as a result of these conferences he had heard all sides and felt that he was fully advised of the

He said that the call for troops was timely. that they are needed here and that the situation will be handled vigorously. He hopes to avert any clashes or bloodshed. He promises to remain until all danger of rouble is past.

Under a heavily armed guard of 100 men

fifty-six non-union miners went to work

this morning in the Mohawk mine. There was no demonstration, and the pickets of the miners' union were not aggressive. The camp of soldiers is close to the Mohawk mine, but the soldiers were not in evidence. It is declared that 100 men have signed the new agreement, but the union eaders assert that many of these are union nen who have signed so they may file complaints against the mine owners charging violation of the State law. No other

morning to reopen, Most of the men on the Mohawk this morning were at work above ground. They quit work at 3 o'clock this afternoon after an eight-hour shift and the work for the

mine in the camp made an attempt this

day closed at that time. The "card system" as understood in the nining camps of the West is prohibited by the statutes of Nevada. If the mine owners attempt to inaugurate this system of employment there will be filed a score of complaints against them charging misdemeanors. The complaints will be filed with District Attorney Swallow and witnesses are at hand to make cases against the mine owners, so the union leaders say.

The Legislature of 1903 passed the following law, which was approved on March 17 of that year and signed by John Sparks, Governor:
"Section 1.—It shall be unlawful for

"Section 1.—It shall be unlawful for any person, firm or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm or corporation or any person about to enter the employ of such person, firm or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization, or shall promise or agree to become or continue a member of a labor organization." organization."
The second section provides for fine or

imprisonment or both. President Mac-kinnon of the miners union smiled when informed that a number of signatures had been affixed to the document presented by the mine owners. He intimated that many good union men had been instructed to sign the agreement and work one shift in order to perfect cases under the fore-going statute against the mine owners. According to the attorneys for the miners union, the existence of this statute makes impossible for the mine owners to estab-

lish the card system here.

The early collapse of the strike is predicted because John S. Cook, cashier of the only bank doing business here, gave out the statement to-day that payment of pay-rolls would be made in gold coin. Joseph H. Hutchinson, Lieutenant-Gov-ernor of Idaho under Gov. Steunenberg and a prominent member of the Mine Owners'

a prominent member of the Mine Owners' Association, said to-day:
"In the last two years this is the only time the miners have been in the right. They have heretofore seized upon the most trivial matters to furnish an excuse for striking, but this time they are absolutely right. All they asked for in this case was that the mine owners pay them with their own checks, indorsing these checks with their own promise to pay. The mine owners very unwisely refused and served the miners with their ultimatum that they had to take the slips of paper. You can't blame the miners for questioning this scrip. clame the miners for questioning this scrip. There is no authority behind the paper, and if the bank failed to pay the miners would be out their wages and would have little

OCEANIC FULL OF CHRISTMAS. 4,000 Bags of Letters and 50,000 Packages

Come on Her. The White Star liner Oceanic, from Southampton, Cherbourg and Jueenstown,

brought a big batch of Christmas mail. mostly gifts from friends and relatives in the Old World to immigrants in the new. There were 4,053 bags of letters and 50,000 packages. The big ship had bad weather packages. The big ship had bad weather most of the way, making only 259 miles on the nautical day ending at noon on Sunday and incidentally shipping much green

water
Among the Oceanic's passengers were
Prof. Vladimir Sviatlowsky of the University Prof. Vladimir Sviatlowsky of the University of St. Petersburg, who will study the labor question here and in Canada: Commander Diatchoff of the Russian navy, who was in charge of a battleship in the Russo-Jaranese war and is going to Washington as Naval Attache of the Russian Embassy; Sir W. Grey Wilson, Governor of the Bahamas, who has secured the right to establish a municipal lighting plant at Nassau to cost \$80,000 and expects to have it in working order next June; the Rev. Howard Bartow, William Ewart Davidson, W. T. Hargreaves, William Hyslop, Countess Taube. greaves, William Ewart Davidson, W. T. Har-greaves, William Hyslop, Countess Taube, E. H. Van Ingen, Russell H. Porter, Samuel Oppenheim, Dr. Fernando de Fuentes and Henry T. Shelton.

Henry T. Shelton.

The local agents of the White Star Line received yesterday from the home office in Liverpool a descatch saying that the steamship Majestic, which sailed from Southampton and Cherbourg on Wednesday and from Queenstown yesterday, has aboard the biggest Christmas mail-ever sent from Europe in one ship. It consists of 5,050 sacks, the registered rart of which is valued at about \$1,000,000. The Majestic brought over on her Christmas trip last year 4,654 sacks, which also was a record.

Eden Musee Would Open Sunday. The Eden Musée Amusement Company obtained yesterday from Justice Truax in the Supreme Court an order restraining Police Commissioner Bingham from inter-fering with the opening of the museum on Sundays or with the exhibition on Sundays sundays or with the exhibition on Sundays of the museum's collection of statuary, wax figures, &c., when such exhibition is not accompanied by any stage entertainment. The order is returnable to-day, when the Police Commissioner must show cause why it should not be continued indefinitely.

Voegtlin Arrested on Temple's Complaint. Arthur Voegtlin, scenic manager of the Arthur Voegtin, scenic manager of the Hippodrome, was arrested yesterday by Deputy Sheriff Porges on an order obtained from Justice Truax in the Supreme Cours by Edward Temple, stage manager of the same amusement emporium. Temple has begun three suits against Voegtlin for a total of \$125,000 damages because Voegtlin said some unpleasant things about Temple and the Temple family. Lee Shubert put up the necessary \$2,500 bond for Voegtlin's release. There is no message of love, affection or esteem that cannot be conveyed in a book."

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BLUE SUNDAY ASSURED.

Managers Vote to Shut Up Once More -Aldermanie Hearing To-day. The new Sunday Association of the Theatrical Managers of Greater New York, formed to concert action in regard to the Sunday closing law, held its second meeting at the Hotel Astor yesterday. Thirtytwo managers, representing practically all the theatres in New York, were present. Ernest Goerlitz, Heinrich Conried's manager, and president of the organization, presided and presented Henry Wolfsohn, nanager of Carnegie Hall, and Jacob Adler,

proprietor of the Grand Theatre, the East Side playhouse, as new members.
The association decided to keep all the theatres closed again this Sunday under Judge O'Gorman's decision while awaiting aid from the Board of Aldermen. It was also decided to appear in full strength at aid from the Board of Aldermen. It was also decided to appear in full strength at to-day's hearing before the committee of the Board of Aldermen considering a new ordinance in Sunday closing. Secretary Teller told the managers that the Rev. Madison C. Peters had telephoned him that he was willing to speak before the Aldermen on behalf of Sunday performances. The offer was accepted.

It is predicted that if the Aldermen do not pass some measure of relief during the next ten days the managers will cast about for some means to have the Sunday law repealed or amended as soon as the Legislature convenes. The managers will

Legislature convenes. The managers will meet again next Wednesday.

PRESIDENT W. H. S. WOOD DEAD. Head of the Howery Savings Bank and

Publisher of the "Medical Record." William H. S. Wood, president of the Bowery Savings Bank, died at 11:30 o'clock Wednesday night at his home, 14 East Fifty-sixth street, after an illness of two reeks. Mr. Wood suffered from a compination of kidney and heart trouble. All the members of his family were with him when he died. He returned the day before Phanksgiving from Atlantic City, where he had gone to rest. He was attended by Drs. W. A. Bartlett, Brooks H. Wells and W. Gilman Thompson, all of this city.

Mr. Wood was born in 1840 in New York city and was the son of Samuel Wood, who in 1804 founded the publishing house of William Wood & Co. This firm has published since its start the Medical Record. whose first editor, Dr. Shrady, died last week. W. H. S. Wood entered the firm in 865 and was active in its affairs until his last 1865 and was active in its affairs until his last illness. He married in 1865 Miss Emma Congdon, daughter of the late Gilbert Congdon of Providence, R. I. There are four children by this marriage surviving, william C. Wood and Gilbert C. Wood, both members of the firm of William Wood & Co.; Arnold W. Wood and Miss Mary U. Wood. Mrs. Wood died in 1896. Mr. Wood was married again last January to Mrs. was married again last January to Mrs. Cornelia Elliott, widow of William L. Elliott of Baltimore.

Mr. Wood was elected a director of the M. C. A. in 1871. He was a more Mr. Wood was elected a director of the Y M. C. A. in 1871. He was a member of the Orthodox Society of Friends and a great benefactor of that organization. He was one of the oldest trustees of the Bowery Savings Bank, having served since 1872. He was elected president in 1903, and during his term the bank has grown to be the largest institution of its kind in the country. Last spring its deposits passed

country. Last spring its deposits passed the \$100,000,000 mark. Mr. Wood was manager of the American Bible Society for twelve years, a member of the New York Historical Society and the New York Horticultural Society, a fellow of the American Geographical Society, and did much to aid the New York Academy of did much to aid the New York Academy of Medicine. He was a member of many other societies and of several clubs.

The funeral will be held from St. Bartholomew's Church, 348 Madison avenue, on Saturday afternoon at 1 o'clock. The Rev. Leighton Parks, the rector, will officiate

Oblinary Notes.

George J. Humbert, president of the Amercan Aluminium Casting Company and for ears identified with the tin plate industry, tied suddenly at Connellsville, Pa., vesterday of heart disease. Mr. Humbert, who founded the town of South Connellsville, rose from a newsboy in the streets of Pittsburg to a newsboy in the streets of Pittsburg to a millionaire and had been prominently identified with the iron and steel interests of Pennsylvania as well as Colorado. For years he was manager of the Eastern District of the American Tin Plate Company and he was one of the men to make the old Bessemer Steel Company, now the Carnegie Steel Company at Homestead, a success. Mr. Humbert was at different times superintendent of steel mills at Pottstown, Chester and Norristown, Pa., and from 1880 to 1886 he was in the iron business in Colorado. He recently sold out his interests to the 1 nited States Steel Corporation and was devoting his life to philanthropy.

D. Wright Martin, who for fifty-four years

States Steel Corporation and was devoting his life to philanthropy.

D. Wright Martin, who for fifty-four years was connected with the public schools of this city, died of heart disease yesterday at his home, 296 East filist street, The Brony. His wife, Martin, who has been seriously ill for several mouths, is not expected to live more than a day or two and she has not been told of her husband's death. Their daughter, Mrs. Irving G. Will, is on her way home from Europe and is expected to arrive here Saturday, when the funeral will be held from Trinity Chapel. Mr. Martin was born in Chaplin, Conn., seventy-eight years ago and at the age of 24 became a teacher in the public schools here. He was principal of Public Schools here. He was principal of Public Schools Ars. Will and a son, the i.ev. P. D. Martin, pastor of the Church of the Ascension at Auburn, R. i.

Sigourney Fay Lefferts died suddenly at 1 o'clock yesterday morning at his home, 321 West 111th street. He had been out at the West Side Republican Club bowling, and when he returned home shortly after midnight did not feel well. He was taken very lil a short time afterward. Apoplexy was the cause of death. He was born in this city in 1867, a son of Marshall Lefferts. He was engaged in the woollen business and was well known in the trade. He was a member of the Seventh Regiment, the Englewood Golf Club, the West Side Republican Club and the Sons of the Revolution. His wife, who survives him, is a well known golfer.

who survives him, is a well known golfer.

Sebastian Trabold, for many years a prominent man of Orange, N. J., died yesterday at the home of his son, Assistant Postmaster George J. Trabold, 53 Gleve street, Orange, He was born in Germany tighty years ago, but had lived in this country since boyhood, the had been a resident of Orange for fifty-one years and in business there for forty years, He retired nine years ago. Mr. Trabold was a Mason and a member of several Cerman organizations. His wife, two sons, four daughters, sixteen grandchildren and four great-grandchildren survive him.

Michael B. Holmes, ex-director of the

great-grandchildren survive him.

Michael B. Holmes, ex-director of the Hudson county Board of Chosen Freeholders, died of pneumonia yesterday at his residence. 712 Bloomfield street, Hoboken, in his sixty-seventh year. He served in the Eighth Regiment, New Jersey Volunteers, in the civil war. He was prominently identified with the Irish movements and was a leading member of the Ancient Order of Hibernians, the Gaelic Society and the United Irish Land League of America. He is survived by his wife, a son and a daughter.

Michael McElroy, who died on Tuesday

wife, a son and a daughter.

Michael McElroy, who died on Tuesday at his home, 105 St. Mark's place, Brooklyn, in his seventy-sixth year, was the oldest employee in the customs service in New York. He came from reland when sixteen gears old and settled in Brooklyn. He had been continuously employed in the weighers' bureau in the Custom House since the administration of President Pierce. He leaves a son, Dr. John A. McElroy.

Dr. Hiram A. Pooler of 59 East Sixty-fifth street died yesterday at the home of his son, Louis J. Pooler, at Tuxedo. Dr. Pooler was graduated from the Bellevue Medical College in 1865. He was a member of the County and State Medical societies and of the American Medical Association.

SPEED OF CENTRAL TRAINS

TECHNICAL EVIDENCE IN THE TRIAL OF ALFRED H. SMITH.

H. S. Balliet, Superintendent of Way, Declares That It Was Not Necessary to Slow Up on the Woodlawn Bridge Curve-Nicoll and the Prosecutor Clash. The trial for criminal negligence of Alfred

H. Smith, vice-president of the New York Central Railroad Company and general manager of the road, resulting in the Brewater express disaster last February, continued yesterday before Justice Kellogg and a jury in the criminal term of the Supreme Court, now being held in the County Court House.

evidence by railroad experts. The principal point brought out was that while road between the Grand Central and Wakefield, the curve at Woodlawn Bridge, where the accident occurred, was not marked down for any reduction of speed. The engineers who testified considered that it was quite safe to take the curve at high

in the construction of the road at this point. De Lancey Nicoll, counsel for Smith,

speed regulations at certain points-for nstance, six miles an hour in the yards, wenty-four miles in the tunnel, twentyive miles over the Harlem River drawbridge, ten miles at the Bronx Park crossing, and so on. Mr. Balliet had charge of getting up these regulations, and in answer to Mr. Nicoll he said that he had made no such regulations concerning the Woodlawn Bridge curve because he thought such a regulation unnecessary, as he had ridden around the curve a great number of times in trains that made from forty-five to fifty-five miles an hour without any

ccident.

The curve at Woodlawn, said Balliet,

asked Mr. Nicoll with some show of heat.

"No. Mr. Nicoll, I don't," Balliet replied.

The lawyer made a motion of dissatisfaction and sat down, saying he was through with the witness. Mr. Smyth then took up the examination, and brought out that it was a fact that a New Haven train passing aver the same tracks at some time that ing over the same tracks at some time that night had dropped some bolts somewhere, but there was nothing to show where or at

rived. Mr. Nicoil replied that he was not summing up, but arguing on a question of law, and that he wished the jury to understand, and Mr. Smyth also, that the defendant was not charged with the negligence of the company or of any other official, but solely with his own personal negligence. "At the proper time." Justice Kellogg said,

"I will instruct the jury that the defendant is only to be held responsible for his own personal negligence.

answered Mr. Nicoll, resuming his seat. Francis Boardman, a division electrical engineer on the Central, was the next witness. He testified to the reconstruction of the road before electrification and to the degree of superelevation, four and a half inches

negligence."
Mr. Nicoll brought out that the Empire State express had run over similar "three degree" curves at the rate of sixty miles

the cars of the wre ked train both before the cars of the wre-ked train both before and after the accident. Case told how the trucks of the cars had turned over and the tops or bodies of the cars had fallen on top of the overturned trucks. He thought that the trucks had in some way come in contact with the third rail.

RECEIVER FOR MUTUAL RESERVE Applications Made in the District of Colum

ville of Ill'nois and James C. Robinson of Connecticut to-day filed in the Supreme Court of the District a bill in equity asking Court of the District a bill in equity asking for the appointment of an ancillary receiver to take charge of the property and assets of the Mutual Reserve Life Insurance Company of New York in the Listrict. They allege that they are policyholders of the company and filed a copy of the proceedings in suits which they have instituted in the New York courts to have the company placed in the bands of a receiver pany placed in the hands of a receiver, which are now pending.

ATLANTA, Dec. 12.—A bill was filed in the

United States Circuit Court here this after-United States Circuit Court here this after-noon asking Judge Newman to appoint re-ceivers in Georgia for the Mutual Reserve Life Insurance Company of New York city. The petitioners are R. O. Scoville of Illinois and J. C. Robinson of Connecticut. The pur-pose of the bill is to have receivers appointed in Georgia to act with receivers in New York.

owner.

Clear-headedness and a strong healthy body depend largely on the right elements in regular food and drink.

Suggestion for Those Who Wish to Give

The day was devoted mostly to technical there were many points along the electrified

Herbert S. Balliet, superintendent of way on the Central, identified several spike heads which were found sheared off at the point of derailment. It is the contention of Assistant District Attorney Smyth. who is conducting the prosecution, that the shearing off of these spikes showed conclusively that negligence was present

brought out from Balliet the minimum

was rebuilt under the standardized rules laid down by Chief Engineer Parsons and conformed to the latest scientific developments in railroad construction.

Mr. Nicoll branched of here to ask Balliet

Mr. Nicoll branched off here to ask Balliet this question:

"What train passed over the curve directly before the Brewster express?"

"I don't think I know," answered Balliet.

"Don't you know that it was a New Haven train and that it dropped a number of bolts near the scene of the accident as it passed?" asked Mr. Nicoll with some show of heat.

"No, Mr. Nicoll, I don't," Balliet replied.
The lawyer made a motion of dissatisfac-

what time. Technical evidence on the formula for recnarcal evidence on the formula for superelevation on curves took up most of the rest of Balliet's examination. In the course of these mathematical discussions Mr. Nicoll got into an argument with the District Attorney, and, addressing the jury, took blame on himself for allowing Mr. Smyth to proceed so far on what Mr. Nicoll called a false hypothesis. called a false hypothesis. Justice Kellogg stopped Mr. Nicoll with the remark that the time for summing up had not yet ar-

What records had you to guide you in

rebuilding the tracks for these fast electric trains?" Mr. Smyth asked.
"None at all," was the answer, "only my years of experience in connection with steam trains over the same tracks." Mr. Nicoll got riled again here and ex-

"Mr. Smyth is a mathematician and he is seeking to prove that because Mr. Board-man or the (hief Engineer or some other engineer that I know nothing of did not make elaborate calculations as to the power required to shear the heads of rail spikes the defendant here is guilty of criminal

an hour without accident for years.

Spencer E. Case, master car builder, gave technical evidence as to the condition of

The trial will continue to-day, and a late session may be held till Mr. Smyth has his case all in. The defence expects to open Monday.

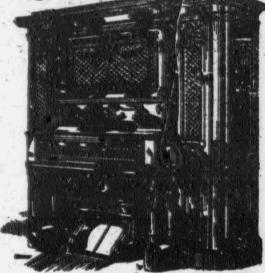
bia and in Atlanta, Ga. WASHINGTON, Dec. 12.-Reuben O. Sco-

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A RATTLE OF AFFIDAVITS.

Many Depositions Read in Illinois Central Case and More to Come. CHICAGO, Dec. 12.- The struggle of Edward H. Harriman to prevent the control of the Illinois Central Railroad from pass-Fish became a battle of affidavits to-day

in the Superior Court before Judge Ball. Half a dozen depositions by officers and directors of the Illinois Central, the Union Pacific and the Railroad Securities Company, all bristling with charges, were introduced. They placed before the Court for the first time many of the charges contained in circulars distributed by the Harriman-Harahan faction in the war for proxies That Stuyvesarft Fish sold to the Raircard Securities Company 26,500 of the 80,001 shares of Illinois Central stock that he is

attempting to prevent that company from voting, was one of the points brought out.

At the conclusion of the reading o' the affidavits adjournment was taken until Friday morning to give Mr. Fish's attorneys an opportunity to get counter affidavits Brooklyn Woman Dies in fier 192d Year. Mrs. Margaret Carpenter died late on Wednesday night in her 102d year at the home of her son-in-law. Capt. I lias L. Hull. 1102 Gates avenue. Brooklyn. Sne was born in Montgomery county, N. Y. Her grandfather, George Ecker, was a pen-Her grandiather, George Etker, was a pen-sioner of the Revolutionary War. She had vivid recollections of the red coated British and their Indian allies crossing the Mohawk River in the War of 1812. Mrs.

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ng is the office of Gov. Comer to-day the Southern Railway agreed to keep in force the 21/2 cent passenger rate until the other State rate question; are settled Carpenter was always healthy and vigorous until a few months ago. Her only living child is Mrs. M. E. Perrine. Her husband. Switzerland. DIED.

John Jameson Three *** ** Siar Whiskey

OSTEVIN. On December 11, 1907, Harriet, widow

10 o'clock.

of Frederick N. Fostevin.
Funeral services at her late residence, Whitestone L. I., Saturday, December 14, at 11:30 A. M. In terment at Fosters Meadow, L. 1.

KAEGEBEHN.-At Hoboken, N. J., on Tuesday

uneral services, at his late residence, 801 Washington st., on Friday evening. December 13, at LEFFERTS.—Suddenly, on the 12th inst., Sigourney

lyn, on Saturday, December 14, 1917, at 2 P. M.
POOLER.—At Tuxedo Park, N. V., on Wednostay,
December 11, 1907, Dr. Hiram A. Pooler.

dence, 14 East 36th St., William H. S. Wood. Funeral services will be held in St. Bartholonew's Church, Madison av. and 44th st., on Saturday. December 14, at 1 o'clock. Into

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MARRIED.

DE GRAFFENREID STERN. On Tuesday, De comber to, 1977, at the residence of the brid's father, 993 Fifth ay., New York, Irma Regin Stern to Baron Leo de Graffenried of Thun.

CLARASON. On Tuesday, December 10, 1907, at h residence, 16 West 48th st., the Rev. A. Vallet Clarkson, formerly rector of the Church of Saint Augustine, Croton on the Hudson.
Funeral services at Trinity Chapel, 25th st. and
Broadway, on Saturday morning, the 14th, at

DUNN.—On December 11, 1907, at residence of Ernest E. Ling, Tarrytown, N. Y., Nicholas Dunn of England. Funeral from Christ Church, Tarrytown, on Friday, December 13, at 12 o'clock. Philadelphia St. Paul, Minn., and English papers please.copy

HUMPHREY .- On December 11, 1907, at Utica N. Y., Correl Humphrey, in the 70th year of his

December 10, 1907, Charles F., beloved husband of Margaret Kaegebehn, in his 73d year. Relatives and friends, also members of Herman Lodge, No. 268, F. and A. M., of New York, Hobo ken Council, No. 59, Royal Arcanum, and Lady Washington Lodge, No. 414, Knights and Ladie Honor, are respectfully invited to attend

Fay, son of Mr. and Mrs. Marshall Lefferts, at his home, 521 West 111th st. Funeral private, Saturday, December 14, at 1

MILES.—On Thursday morning. December 12, 1967. at the residence of her daughter, Mrs. W. W. Bellinger, Grace Church Rectory, Utica, N. Y., Catharine Hicks Miles, aged 70 years, wife of William H. Miles and daughter of the late John G. and Catharine H. Clayton. Juneral services will be held at St. Mary's Church, Classon and Willoughby avs.. Brook

SMEDLEY, At Willamstown, Mass., December 12, 1907, Frederick G. Smedley, beloved husband of Emma Z. Smedley, in the 65th year of his age. Notice of funeral later.

French Table Lamps for Electricity, SUITABLE FOR HOLIDAY GIFTS. venience of family. Kindly omit flowers.